

**Town of Webster  
Conservation Commission  
Minutes of the Meeting – March 28, 2016**

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APR 26 2016

TOWN CLERK'S OFFICE

**Attending:** Commissioners – Richard Franas, Paul Fiske, Al Huefner, and Joseph Kunkle.  
Staff – Ted Tetreault, Building Commissioner

**Absent:** Commissioners – Beau Saad, Jeff Dowgiewicz, Joseph Kabalah

Meeting called to order: 5:30 p.m.

Location: Basement Conference Room

**Public Meeting – 13 Beacon Road – RDA**

Chairman Franas opened the meeting asking if anyone wanted to speak of the project. The homeowner came forward and Chairman Franas indicated that the Commission conducted a site visit and looked at the tree and agreed on its removal. He also noted that no debris may go into the resource area and grind down the stump but keep what remains. Mr. Fiske motioned to grant a negative determination for the removal of the tree at 13 Beacon Road. Mr. Huefner second; all in favor.

**Discussion**

Chairman Franas went over who was present at the previous meeting as well as the close of meeting time per Ms. Donoghue's email request. Mr. Fiske made a motion to accept the meeting minutes of the last two meeting. Mr. Huefner second; all in favor. Chair Franas signed the meeting minutes.

**Public Meeting– 110 Lakeside Avenue - RDA**

Chairman Franas indicated that he and Mr. Huefner went on the site visit and saw the two damaged trees and recommended their removal. Chairman Franas also noted that the homeowner would have to leave the stumps, no debris and to use best practices. Mr. Huefner motioned to grant a negative determination for the removal of two trees at 110 Lakeside Avenue. Mr. Fiske second; vote all in favor.

**Discussion – Millbrook Plaza**

Mr. Huefner suggested the Commission discuss Millbrook Plaza. While Mr. Kunkle asked about concrete and steel columns and metal framing on the water's edge. Mr. Huefner noted that the area is being used for storage. Mr. Kunkle noted that Mr. Huefner's reference was on the other side, and his was on the river's edge. Dr. Canavan noted it was from the previous use of the land. Dr. Canavan noted that a letter was sent out prior to the meeting from Patrick Doherty, on behalf of owner Michael Obrien, which provided a list of deliverables to be accomplished at the site including removing tire and wheel struts, planting of wildflower seed mix, plant new bushes behind building, and provide wetland seed mix, among other (letter on file). Dr. Canavan asked the Commission to follow up with removing the wheel stops and concrete, plastic buckets and metal framing, change the wildflower seed mix to appropriate wetland seed mix and check to see if the shrubs that are planted will survive this year.

Chairman Franas referenced the storage for the steel floor rigging on the side and asked the Commission if it should stay. Dr. Canavan suggested following up with the property owners about this. Chairman Franas also noted that the vegetative debris will also have to be removed as nothing will ever grow if left. Dr. Canavan noted that he will follow up with these matters per recommendation of the Commission.

Mr. Kunkle asked if the Commission could designate the area as a conservation district to isolate the area. Dr. Canavan noted that the area is not an isolated wetland according to the 100-year flood maps—but he

**Webster Conservation Commission  
Meeting Minutes of March 28, 2016**

would have to research this. Dr. Canavan also noted that since this was not in the original approval there was not much the Commission could do to designate it. Chairman Franas noted that it was a retention basin and under its control. Mr. Tetreault noted that the Commission may clean it out. Dr. Canavan suggested having the property owners reapply to make the area on the other side of the detention basin storage. Chairman Franas added that he was not sure the Commission should put the area under a conservation restriction due to the legal issues associated with the process. Chairman Franas suggested the Commission make a recommendation that the storage is removed altogether. Dr. Canavan further recommended that the property owners do not store items in the future beyond the basin because of the difficulty of having the items already there. He noted that the property owner should apply for an RDA for storage in the buffer zone in the future.

Chairman Franas asked Dr. Canavan prepare a memorandum of understanding to go to Galaxy Realty/Michael O'Brien to include the comments discussed above.

**Public Meeting – 92 Lakeside Avenue – NOI**

Chairman Franas opened the public hearing and asked if the applicant was present. The applicant briefly described the project to include redoing a front entryway and side steps (approximately 4-5 steps) that lead to behind the house. Chairman Franas indicated that a site visit was performed and asked if any of the Commissioners had any questions or comments. Mr. Huefner noted that the project was "pretty straight forward" and added the work was on the street side of the property. Chairman Franas indicated that there was concrete to be removed and reminded the applicants that the contractor has to remove it off site, and no construction debris either. The applicant indicated that she did not want it on site as well. Mr. Kunkle requested Chairman Franas' advice regarding if there is a road drainage structure at the beach area, and should it be protected? Mr. Kunkle noted that he did not see anything after inspecting the site. Mr. Huefner stated it was a different property. Mr. Kunkle said it was just a question and the project was "fine..." Chairman Franas indicated that the applicant was to keep the same footprint with the stairs as before and that there was no change to the topography. Mr. Kunkle expressed his concern of runoff with the mixing of the new concrete. Chairman Franas stated the main concern was to not have concrete wash out in the main area and into the resource.

Mr. Fisk motioned to close the public hearing. Mr. Huefner second; vote all in favor.

**Discussion – Frederick & Davis Streets – Amended OOC**

Chairman Franas indicated a site visit was performed and includes improvements in and around the French River Park. Dr. Canavan, representing the applicant, elaborated expressing that the improvements would like to be added as an amendment to the original Order of Conditions. He stated that it's a continuation of the Town's project to do improvements to the River Walk and would like to do the improvements to Frederick Street as the amendment. He noted the very lowest part of the project is within 100 feet of the River. He stated the project includes resurfacing of Frederick Street and adding and repairing sidewalk along the Post Office side, as well as upgrading drainage to go with catch basins that are off-line from the main-line of the drainage. This is to better improve the sumps in the catch basins and their ability to retain sediments. The current state of the catch basins are to be modified to have double catch basins to prevent flow from running down the road, into the lower buildings, and into the French River. Mr. Huefner asked if there will be new pipe. Dr. Canavan said he believed so. Mr. Huefner noted the whole street will be dug up. Dr. Canavan stated it will be new drain line. He also said the project calls for grinding up the road and replacing it. He also noted that there will be measures taken to prevent this. Mr. Huefner said that there will be erosion going into the river as a result. He added that the Town will have full oversight of the project.

**Webster Conservation Commission  
Meeting Minutes of March 28, 2016**

Dr. Canavan also noted that there was another sheet illustrating work on Main Street to include modifying the curbing, pavement and restriping, but did not involve drainage and the landscaping is pending funding. Dr. Canavan also noted that Davis Street is being finished. Chairman Franas said that the Highway Department should put rip-wrap near where the bottom of the street exits into the French River. Mr. Kunkle asked for a correction and stated that there was to be a hand moving of the concrete slab and the rocks below because they didn't want to fill in the wetland. So the project called for using what was there. Mr. Kunkle noted that everyone was in agreement at the original meeting.

Mr. Kunkle asked if there was an NOI open for the project. Chairman Franas said that Frederick Street was being added to the Davis Street NOI.

Mr. Huefner motioned to approve the amendment to the original Order of Conditions to include all of the additions to the project as depicted on the plans in and around Frederick Street and the additional work on Davis Street as of March 16, 2016. Mr. Fiske second; vote: all in favor.

Dr. Canavan asked about moving the concrete in the outlet on the bottom. Chairman Franas indicated that he will call Kenny Pizetti, DPW Director to arrange to move the concrete. Mr. Tetreault said it was already constructed. Chairman Franas said that a second drain was added and put it in a Y to come together and extended with a 10" drain. Mr. Kunkle suggested having a splash pan. He also asked how far is the "stop for the area.; referring to the River Walk. Mr. Tetreault noted that it will extend and exit from the side of Bubba's. Chairman Franas said he remembered that there was a private property obstruction, and Mr. Tetreault noted it had been resolved.

**Public Hearing – 28 Bates Point Road – NOI**

Chairman Franas opened the public hearing and read off that the project was to include deck replacements and invited the applicant to come to present the the Commission. The applicant stated they are replacing two (2) side decks and the deck at the back of the house that extends over the lake and adding two (2) decks off that. Chairman Franas recalled the applicant saying the applicants were using non-biodegradable materials. The applicant confirmed saying they planned on using Trex and composit pressure treated materials. Chairman Franas reiterated from the site visit to use best practices for cutting and removing the materials from the resource area, using vacuum actuated saw to cut the materials, and digging all of the post areas by hand for the sonnet tubes. Mr. Huefner asked what size were the side porches going to be? The applicant stated one was to be four (4) by six (6) and the other was to be four (4) by eight (8). Mr. Huefner noted that they were being enlarged and the applicants said yes.

Mr. Fiske motioned to close the public hearing for 92 Lakeside Avenue. Mr. Huefner second; vote all in favor.

**Public Hearing Continued – 35 Kunkle Avenue North & South Lots—NOI**

Chairman Franas continued the public hearing. Dr. Canavan noted that it was continued to an undetermined date. Mr. Tetreault stated that the applicant still had not given the information needed to remove the continued public hearing from the agenda. Dr. Canavan noted that it would be months before any notification would come in and to remove it from future agendas.

**Discussion -- 65 Point Pleasant Road – Emergency Order**

**Webster Conservation Commission  
Meeting Minutes of March 28, 2016**

Chairman Franas stated that he went out that day for the emergency order which included a shifting concrete patio going into the water. As a result, they want to break up the patio by hand and remove it. Also, there is a small set of rotting wooden stairs and a cracking deck that needs replacing. The plan was to put in pavers which will increase the pervious area. The project will be done by hand. Chariman Franas inspected the site and gave the emergency order and now the Commission must ratify it.

Mr. Fiske motioned to ratify the emergency order for 65 Point Pleasant Road. Mr. Huefner second; vote all in favor.

**Discussion – 33 Loveland Avenue**

Chairman Franas reminded the Commission of the shed at 33 Loveland they looked a month ago, and the subject of much discussion. He noted there was recently a surveyor on the property who discovered that where the shed was placed is actually state-owned land. Chairman Franas asked if the Commission can rescind the original vote. Dr. Canavan noted the application was filed on land they thought they controlled and if they don't own the land, it probably already makes it null and void. Chairman Franas agreed, but wanted to convey the situation to the Commission and have the discussion recorded within the minutes. It was noted that they must reapply if they want to build a new shed off the state property. Mr. Tetreault said that there was no other property they can build. Further discussion ensued regarding the ownership of the lot. Mr. Tetreault noted that the surveyor who conducted the survey researched that the land has been owned by the State since 1911. Mr. Huefner asked who requested the survey. Mr. Tetreault stated it was the neighbor who asked and the surveyor noted that neither neighbor owned it—the State did.

**Discussion -- Docks**

Mr. Huefner noticed a few docks floating around on South Pond. Mr. Tetreault stated that the Board of Selectmen are in the process of forming a Dock Committee. He also stated that anything beyond the 480 water mark, he has no jurisdiction over—it's the State's responsibility. Chairman Franas said the State was ready to go in January 2017 and the original Dock Committee was trying to move forward so the Town doesn't lose the fees that go to the State.

**Next Meeting Date: April 11, 2016 at 5:30 p.m. – Basement Conference Room**

Meeting adjourned 6:45 p.m.

All correspondence, applications, plans and reports can be viewed at the Engineering Office, 350 Main St, Webster MA 01570

Respectfully submitted,  
Meagen P. Donoghue, MRP  
Town Planner

Conservation Commission Approval: \_\_\_\_\_

Chairman

Date: \_\_\_\_\_

4/25/16